

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR BROWN,  
Plaintiff

v.

THOMAS JAMES, ET AL.,  
Defendants

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CIVIL NO.4:CV-03-0631

(Judge McClure)

**ORDER**

June 12, 2006

**Background**

Victor Brown, an inmate presently confined at the State Correctional Institution, Frackville, Pennsylvania, filed this pro se civil rights action under 42 U.S.C. § 1983. Presently pending is Plaintiff's motion to compel discovery and for sanctions. See Record document no. 92.

Brown's motion states that he served counsel for the Defendants with a request for production of documents and interrogatories on June 8, 2004. Thereafter, he agreed to multiple requests by opposing counsel for additional time in which to submit responses . However, as of October 28, 2005, Defendants had

still not purportedly provided him with responses to his discovery requests. In addition, Plaintiff asks that Defendants be required to pay attorney's fees as a sanction for their prolonged non-disclosure.

The Defendants have not submitted an opposing brief to Plaintiff's motion, nor have they requested an enlargement of time in which to file a response. Accordingly, the motion to compel will be deemed unopposed. The unopposed motion will be granted and the Defendants, if they have not already done so, are directed to file responses to Plaintiff's outstanding discovery requests within twenty (20) days of the date of this Order. Any request by Defendants for additional time in which to comply with this Order will only be granted upon a showing of exceptional circumstances.

With respect to the Plaintiff's request that Defendants be sanctioned and ordered to pay attorney's fees, it is well settled that pro se litigants are not permitted to recover attorney's fees. See Kay v. Ehrler, 499 U.S. 432 (1991). Brown's request to be awarded attorney's fees will be denied.<sup>1</sup> Consequently,

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<sup>1</sup> With respect to the issue of sanctions, Plaintiff indicates that due to their untimeliness, Defendants have agreed not to require him to pay photocopying expenses for copies of any documents he has requested.

**IT IS HEREBY ORDERED THAT:**

1. Plaintiff's unopposed motion to compel discovery (Record document no. 92) is granted in part.
2. Within twenty (20) days of the date of this Order, Defendants, if they have not already done so, shall file responses to Plaintiff's outstanding discovery requests.
3. Plaintiff's request to be awarded attorney fees from the Defendants as a sanction for their delay in providing discovery is denied.

s/ James F. McClure, Jr.  
JAMES F. McCLURE, JR.  
United States District Judge